

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Action brought on 12 December 2005 — Klopfer v Commission**

(Case F-118/05)

(2006/C 60/96)

*Language of the case: German*

**Parties**

*Applicant:* Matthias Klopfer (Berlin, Germany) (represented by: E. Pätzl)

*Defendant:* Commission of the European Communities

**Form of order sought**

The applicant claims that the Tribunal should:

- annul Decision ADMIN.B.2/D (05) 18479/EGL-ade of the Director of the European Personnel Selection Office (EPSO) of 29 August 2005;
- order the defendant to pay the costs of the proceedings.

**Pleas in law and main arguments**

The applicant took part in competition EPSO/B/11/03 to constitute a 'reserve pool of assistants in the field of production of publications: proofreading' in Grades B 5/B 4.

The Selection Board for that competition decided to exclude the applicant from the competition as he had completed the necessary three-year period of professional experience only through part-time work, which, in the view of the Selection Board, did not fulfil the requirements.

In support of his action, the applicant claims infringement of the principle of equal treatment laid down in Article 5 of the Staff Regulations. Furthermore, the wording of the notice of competition is, he argues, ambiguous in such a way that it also amounts to infringement of the principle that the administrative authorities are bound by the provision which they themselves have laid down.

**Action brought on 16 December 2005 –De Meerleer v Commission**

(Case F-121/05)

(2006/C 60/97)

*Language of the case: French*

**Parties**

*Applicant:* Michel De Meerleer (Ophain-Bois-Seigneur-Isaac, Belgium) (represented by: E. Boigelet, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the selection board for Open Competition EPSO/A/19/04 not to accept the applicant's candidature and, consequently, not to admit him to the competition or to mark his written test;
- annul the selection board's decision of 30 May 2005 refusing to make a determination in respect of the applicant's request for a reconsideration of 18 May 2005 and also annulment of any act consecutive upon or relating to that decision;
- in so far as necessary, annul the appointing authority's decision of 2 September 2005, notified to the applicant on 14 September 2005, rejecting the applicant's complaint, which was registered on 13 June 2005 under reference R/493/05;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicant participated in Open Competition EPSO/A/19/04 for the establishment of a reserve list for the recruitment of administrators in grade A7/A6 in the specialist fields of civil engineering, engineering, chemistry/chemical products/industrial chemistry and air transport. Following his success in the pre-selection tests, he sent EPSO his application together with the requisite supporting documents. After examining the file, the selection board excluded the applicant from the competition on the ground that his professional experience was inadequate.